

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Makoto Yamamoto et al.

Serial No. 10/805,822

(Divisional of 10/014,949 filed October 26, 2001)

Filed: March 22, 2004

For: **Method of Fabricating Semiconductor Integrated Circuit**

Art Unit: 2811

Examiner: Tom Thomas

Attorney Docket No.: 44471/298721

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OFFICE OF PETITIONS

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted to the the Office of Petitions Facsimile Number (571.273.0025), on August 8, 2005.

2005. Janie Wilkins
Janie Wilkins

Janie Wilkins

DATE: August 8, 2005

**PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. §1.313(c)(2) FOR CONSIDERATION OF A REQUEST FOR
CONTINUED EXAMINATION IN COMPLIANCE WITH 37 C.F.R. §1.114**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Office under 37 C.F.R. §1.313(c)(2) to withdraw the above-identified application from issue to permit consideration of a Request for Continued Examination in compliance with 37 C.F.R. §1.114. Pursuant to the Issue Notification, Applicants understand that this application is to issue on **August 9, 2005**.

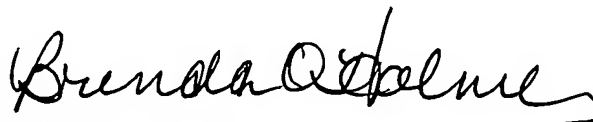
A Request for Continued Examination and a Second Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §1.97 and 1.98 are being filed concurrently with this petition. The Second Supplemental Information Disclosure Statement

Supplemental Information Disclosure Statement
Serial No. 10/805,822
Page 2

presents several references which recently came to Applicants' attention in an Office Action issued by the Japan Patent Office on July 26, 2005 in a related Japanese patent application.

In view of the foregoing, Applicants request that this Petition be granted, and that the references be considered by the Examiner pursuant to the Request for Continued Examination.

Respectfully submitted,



Brenda O. Holmes
Reg. No. 40,339

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August 8, 2005

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Brenda O. Holmes

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REFERENCE NO

44471/298721

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COMMENTS

Applicant: Makoto YAMAMOTO et al.
Title: Method of Fabricating Semiconductor Integrated Circuit
Serial No./Docket No.: 10/805,822 44471/298721
Filed: 03/22/2004

PAPERS SUBMITTED:

1. PTO/SB/30- Request for Continued Examination (RCE);
2. PTO/SB/17p - Petition Fee under 37 CFR 1.313;
3. Petition to Withdraw Application From Issue under 37 CFR 1.313(c)(2) for Reconsideration of a Request for Continued Examination;
4. Second Supplemental Information Disclosure Statement with Japanese Office Action in Japanese application No. JP2001-128187;
5. PTO-2038 credit card payment form.

Date: August 8, 2005

By: Brenda O. Holmes, Reg. No. 40,339

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PTO/SB/17p (11-04)

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
 P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/805,822
Filing Date	03/22/2004
First Named Inventor	Makoto YAMAMOTO et al.
Art Unit	2811
Examiner Name	Tom Thomas
Attorney Docket Number	44471/298721

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 11-0855:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

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Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.53(e) - to accord a filing date.

§ 1.67(a) - to accord a filing date.

§ 1.182 - for decision on a question not specifically provided for.

§ 1.183 - to suspend the rules.

§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

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Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 - for access to an assignment record.

§ 1.14 - for access to an application.

§ 1.47 - for filing by other than all the inventors or a person not the inventor.

§ 1.59 - for expungement of information.

§ 1.103(a) - to suspend action in an application.

§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.296 - for review of refusal to publish a statutory invention registration.

§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.

§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.

§ 5.12 - for expedited handling of a foreign filing license.

§ 5.15 - for changing the scope of a license.

§ 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.

§ 1.84 - for accepting color drawings or photographs.

§ 1.91 - for entry of a model or exhibit.

§ 1.102(d) - to make an application special.

§ 1.138(c) - to expressly abandon an application to avoid publication.

§ 1.313 - to withdraw an application from issue.

§ 1.314 - to defer issuance of a patent.


 Signature

Brenda O. Holmes

Typed or printed name

08/08/2005

Date

40,339

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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